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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,780	07/16/2003	Guido Peleman	BOCK-05/119	1124

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EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5N

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,780	PELEMAN, GUIDO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark T Henderson	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/24/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 3722

## **DETAILED ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9306. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 8, 10, 11, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3722

1. Claim 7 recites the limitation "the means" in line 1. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 8 recites the limitation "the means" in line 1. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 10 recites the limitation "the above-mentioned means for fixing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 12-14, 17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawson (1,769,120).

Dawson discloses in Fig. 2-4, an accessory for a file (24) comprising: a U-shaped holder (23, 25, 26 27 and 28) having a supporting plate (23), which can be provided to a file in a clamping manner, wherein the holder works in conjunction with a binding mechanism (10) and

Art Unit: 3722

can be manually attached (through lever (35) to the file; a means (25, 34, 35) for fixing the holder (23) to the file (24); wherein the binding mechanism (10) includes rigid rings (17), wherein the rings include two parts (15 and 16) provided on a base element (11, 12, 13 and 14) and movable between an open and closed position; wherein the binding mechanism is mounted on the holder in a replaceable manner; and a detachable connecting means (35, 36, 37) having a snap-in connection; wherein a locking means (35, 36, 37, 25, 26, 27) can mesh in an opening (32) of the file.

5. Claims 1, 10, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Emery (2,093,041).

Emery discloses in Fig. 1-4, an accessory for a writing board (1) comprising: a U-shaped holder (see Fig. 3) having a supporting plate (7), which can be provided to a file in a clamping manner, wherein the holder works in conjunction with a binding mechanism (3) and can be manually attached (through stud and nut 13, 15 and 16) to the writing board (1); wherein a means for fixing are configured such that the holder can be fixed over an edge (4) of a rigid wall part of the writing board (1, see Fig. 1 and 2); wherein the holder comprises an elastically bendable parts (see Fig. 3, wherein the holder bends at a bending point (9) for legs (7 and 8).

Art Unit: 3722

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moor et al (6,431,779) in view of Emery.

Moor et al discloses in Fig. 5, an accessory for a file, wherein the file consist of a front wall part (52), a rear wall part (14) connected thereto by means of a back part (18), and at least one inwardly folded flap (12), whereby a holder (A) is mounted on an edge of the flap (12).

However, Moor et al does not disclose: a holder which can be provided to a file, wherein the holder works in conjunction with a binding mechanism and can be manually attached and mounted to a free edge of the file.

Emery discloses in Fig. 1-4, an accessory for a writing board (1) comprising: a U-shaped holder (see Fig. 3) having which can be provided to a file in a clamping manner, wherein the holder works in conjunction with a binding mechanism (3) and can be manually attached (through stud and nut 13, 15 and 16) to the writing board (1); wherein a means for fixing are configured

Art Unit: 3722

such that the holder can be fixed over a free edge (4) of a rigid wall part of the writing board (1, see Fig. 1 and 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moor et al's accessory with a manually detachable edge clamping holder which is connected to a binder mechanism as taught by Emery for the purpose of changing the binder mechanism as a replacement means.

#### ***Allowable Subject Matter***

7. Claims 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Prior Art References***

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Tomoda, Ke, Vogel, Mann, Segal, Newman, Dawson, Handler, Due, Treillet disclose similar accessories for use with a file.

Art Unit: 3722

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571)272-4477. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Derris Banks, can be reached on (571) 272-4419. The fax number for TC 3700 is (703)-872-9306.



MTH

March 21, 2005



DERRIS H. BANKS  
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